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3 June 1982

Worldwide Report

LAW OF THE SEA

(FOUO 3/82)



FOREIGN BROADCAST INFORMATION SERVICE

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COMORO ISLANDS

BRIEFS

JAPANESE FISHING AID--On 10 May, Japan and Comoros signed at Moroni an agreement for 360 million Comoro francs to aid the government purchase a number of small fishing boats and equipment. [Excerpt] [Paris MARCHES TROPICAUX ET MEDITERRANEENS in French 14 May 82 p 1291] [COPYRIGHT: Rene Moreux et Cie Paris 1982]

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SENEGAL

NEW FISHING AGREEMENT WITH SPAIN CONCLUDED

Paris MARCHES TROPICAUX ET MEDITERRANEENS in French No 1894, 26 Feb 82 p 615

[Text] Senegal and Spain have concluded a new fishing agreement following negotiations held in Dakar by both countries' state secretaries for fishing. Under the terms of this agreement, which is valid for 2 years, the financial compensation which Senegal will receive in return for fishing rights granted to Spanish ships will be raised from 30 to 40 percent.

The text stipulates the number of Spanish ships which can fish in Senegalese waters: 21 fresh-fish trawlers (as opposed to 13 in the previous agreement), 15 shrimpboats (as opposed to 39) and 42 tunaboats (same number as in the previous agreement). Fishing zones are also the same, except for a restriction of the southern part of Senegal, which is considered a reproductive area for small fish.

The most significant innovation concerns fees; the price to be paid will no longer depend solely on the boat's capacity. From now on, 3 factors will be considered in assessing license prices: the size of the boat (with a limit: no more licenses for boats of more than 1,000 tons), the products fished and their destination. Thus this price will vary according to whether "yaboye" or shrimp are caught and whether all of this catch is to be shipped abroad or to Dakar, thus providing work for processing plants. The licensing rate has also been raised for all types of fishing, as well as all-inclusive compensation.

Article 7, which has been renegotiated, will also allow Senegalese products to penetrate the Spanish market. In the case of deepwater shrimp, Spain has agreed to purchase Senegalese production on the basis of prices set according to category.

The agreement also provides for the presence of a Senegalese observer on board Spanish ships to monitor whether the fishing zones assigned to them are being respected, the amount of the catch and the mesh size of the nets used.

According to the agreement, Spain will also provide Senegal with the means to obtain a training ship for training fishermen-sailors and to finance a fishing research program in Senegal for 150 million CFA francs.

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With this agreement, Senegal will begin moving toward tighter restriction of fishing zones and the number of fishing licenses granted to foreign ships, according to Mr Robert Sagna, Senegalese state secretary for fishing. The secretary added that this new policy is intended to protect Senegal's fishing resources and to open the fishing sector to Senegalese.

Rather than granting fishing licenses, he said, Senegal prefers to establish seminational corporations with foreign countries or companies. Such corporations, which will be based in Senegal, will help to create jobs and will contribute to the full-time operation of local seafood processing infrastructures, Mr Sagna concluded.

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SENEGAL

ESTABLISHMENT OF SENEGAL-SEAFOOD OF 'SPECIAL IMPORTANCE'

Paris MARCHES TROPICAUX ET MEDITERRANEENS in French No 1895, 5 Mar 82 p 679

[Text] Large-scale Senegalese fishing should soon undergo significant development as a result of the establishment of the Senegalese-Danish Senegal-Seafood Company. The project is intended to double industrial production and thus make up partially for its lag behind small-scale fishing.

The Senegal-Seafood project is intended to manage the entire process, from production to exportation and transportation, as well as refrigeration and processing. This will therefore be an integrated unit of exceptional importance, with an estimated production of 100,000 tons of fish annually when fully operational.

Industrial fishing produced only 40,000 tons in 1980, out of 340,000 tons. Four stages of development are planned, each with a goal of 25,000 tons.

Eighty percent of production will be marketed in Africa (market needs are estimated at 1 million tons, of which only 10 percent will be satisfied by Senegal-Seafood) and 20 percent in Europe and the United States, according to LE SOLEIL of Dakar. The creation of more than 1,000 direct jobs is planned, not to mention derivative effects.

Financing of the four stages is estimated at 20 billion CFA francs and is fully provided by the Danish side, without a request for a guarantee from the Senegalese Government. Each stage of the project will have to be profitable before the next stage is started. Such profitability is determinable only after 9 months of operation.

According to Mr Knud Schierbeck, president of Senegal-Seafood, the experimental stage, which has just begun with the first boat being put into service, will test new fishing methods in cooperation with Senegalese fishermen for improved results.

The company's boats will fish mainly in deep water--about 600 meters--which, according to the president, rules out any competition with national fishermen, who fish mainly in coastal areas at relatively shallow depths. During the experimental stage, using their experience the Danes will try out new fishing methods which they have used in their own country and which they believe can be adapted to Senegal.

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Initial conclusions will soon be drawn concerning the actual start of operations, which involves establishing refrigeration, processing, transportation and export structures in Dakar and Casamance (where shipyards are planned), with a lateen yard in Abidjan, Ivory Coast.

Private Senegalese stockholders, who have been asked only to mobilize their part of the capital, hold 51 percent of the stock as opposed to 49 percent held by the Danes.

Mr Sogui Diouf, director of oceanography and fishing, stated that between now and 1985 industrial production's share of Senegalese fishing will amount to 50 percent, which can only have a favorable effect on export revenues.

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UNITED KINGDOM

'THE TIMES' URGES DIPLOMACY ON LOS CONFERENCE

PM161431 London THE TIMES in English 16 Apr 82 p 6

[Article by Melvyn Westlake: "Will Reagan Take the Law of the Sea into His Own Hands?"]

[Text] Events in the Falklands have focused attention on the potential for conflict where mineral wealth is found on or under the seabed. They have also served as a reminder that Britain is still a major maritime nation which will gain from clear new laws governing the sea routes. Yet while the South Atlantic occupies world attention, desperate diplomacy is needed in New York to prevent the Law of the Sea Conference from being scuppered. The threat to the conference has come just when years of painstaking negotiations by 150 countries had appeared to be moving towards a successful conclusion.

If the conference is a failure there is a danger that we will soon witness the biggest carve-up of the earth's treasures since the scramble by European powers for black Africa in the second half of the nineteenth century. Oceans might then effectively be staked out by a handful of rich and technologically advanced nations, with the aim of securing a claim to the vast storehouse of strategic metals that lie on the deep sea bed.

The prospect of such a carve-up has been brought very much closer since President Reagan took office in the United States and ordered a review of the draft convention so laboriously negotiated at the Law of the Sea Conference during the preceding seven years. The result of this review is a substantial book of amendments, most of which are rejected by the Third World nations. There is now a very real danger that if the United States presses these amendments the whole delicately balanced package of interlocking agreements, which form the backbone of the draft convention, will start falling apart.

If the convention is ever concluded it will represent the largest body of international law ever established covering not only seabed mining, but marine navigation, sovereign rights over continental shelves, exclusive economic zones up to 200 miles from shore, and sea pollution control.

The danger that the whole convention might come unravelled does not appear to be worrying Washington. However, American officials are concerned that the United States should not appear to be standing out against the rest of the world. If the Americans alone are responsible for the collapse of the Law of the Sea Conference, Moscow would score a propaganda coup by putting them in the dock of world opinion as rapacious spoilers.

That is why the Reagan administration has been lobbying so hard to get Britain, West Germany and some other countries to join it, and why some voices in Britain can be heard urging the government to throw in its lot with the Americans. Mr James Malone, the United States chief negotiator, came to London just before the start of the latest session of the Law of the Sea Conference, which is due to run until April 30, and argued his country's case before an audience at Chatham House.

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Even those Western countries that sympathize with the American position have been embarrassed by the naked self-interest that the Reagan administration is displaying and by its heavy-handed tactics.

Britain is in a bind. Like the United States, it is worried that the West may have given away too much to the Third World nations over seabed mining, and that burdensome international restrictions will be imposed on its mining activities. North Sea oil installations also make it important to get agreement over continental shelves.

Yet a Law of the Sea Convention without the United States would probably be a blunt instrument. One alternative is for the key industrial nations -- the so-called "like-minded states" -- to formulate a mini-treaty of their own.

These countries are the United States, Britain, West Germany, France, Italy, Belgium, The Netherlands and Japan. Several of them have now passed domestic legislation to regulate and license exploration and commercial recovery of hard minerals from the ocean floor by their own citizens. Almost unnoticed, Britain has passed a deep sea mining (temporary provisions) act, supposedly to provide a legal framework for our mining companies until the Law of the Sea convention comes into effect in the late 1980s.

These national pieces of legislation all have reciprocal arrangements recognizing one another's claims and have all the appearances of coordination. So, if the Law of the Sea Conference collapses, the way would be clear for a Klondike-style rush. Six consortia have already been formed. Most are led by American companies, although one is chiefly French, and another mostly Japanese. Shell, BP, Rio Tinto Zinc and Consolidated Gold Fields are among the British companies that have joined international consortia.

Their quest is for the potato-sized nodules, lying half-buried in the mud of the seabed, containing 30 or 40 percent manganese and very much smaller quantities of copper, nickel and cobalt. The major industrial countries are all dependent to a greater or lesser degree on imports of those minerals which are found in seabed nodules. The U.S. imports more than 95 percent of its supplies of cobalt and manganese, which are used in the production of high-grade steel, frequently with military application. As the nodules are often found at a depth of three miles, only a few countries have the necessary technology to mine them, employing, for example, deep sea hoovers -- a technique likened to sucking up peanuts through a piece of macaroni from the top of the Empire State Building.

The situation over seabed mining has all the characteristics of a classic struggle between the world's rich and poor nations. Some poor countries have made no secret of their belief that it represents a major test of their crusade for a "new international economic order." Their view that the seabed beyond the limits of present national jurisdiction is man's "common heritage" has now become largely accepted as a legal concept.

But this leaves open the question of how seabed minerals can be exploited in a way that is fair to all, when only a few countries are in a position to undertake mining operations. The formula used is that proposed by Dr Henry Kissinger when he was U.S. secretary of state: What became known as the "parallel system." Under the draft convention an international seabed authority would conduct its own mining operations through an organization called the "enterprise," on behalf of all nations. It would also license and regulate private ventures.

Private companies would put up to the authority an area of the seabed they regarded as having commercial possibilities. Half of this would then be worked by the private contractor and half by the enterprise. Apart from the enterprise, which would be based on Jamaica, the authority would have several other specialized organs, including an international tribunal of the Law of the Sea, based in Hamburg. To prevent the enterprise being at a permanent technological disadvantage, the private mining companies could also be obliged to share their technology with it, receiving compensation for doing so. The general policies of the authority would be fixed by an assembly of all nations, but real power would reside in a 36-member executive council.

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American opposition has essentially focused on six points, which have been harshly summarized by its critics as representing a demand that the United States should have "virtually unrestricted access to deep seabed minerals resources for itself and a right of veto over the activity and development of the proposed international seabed authority."

No country has been guaranteed a place on the authority's 36 member executive council, but it is inconceivable that the United States would not have a seat. Its vote, however, would count for no more than, say, that of Malawi. Mr Malone denies that he is seeking veto powers for the United States. But there is no doubt that what he does want is to ensure there is a sufficiently large group of nations sympathetic to America who would block any unacceptable action by the authority.

The fear is that many of these questions are becoming clouded by ideology. Mr Elliot Richardson, President Carter's chief negotiator in this field and a former ambassador to Britain, has publicly suggested that some Reagan officials are less interested in getting a good treaty than in scuttling any treaty. Even the mining companies have belatedly realized that they stand to gain more from the establishment of a legal and stable regime for the seabed -- with its many faults -- than from a free-for-all with the consequent lack of investment security.

If the rich countries were to adopt a mini-treaty of their own, and unilaterally begin mining what does not belong to them, the effect on international relations could be devastating. The military inferiority of the Third World states rules out any resort to gunboats, but anarchy would reign over virtually every aspect of maritime activity.

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